

Comment Set 19



July 24, 2003

Ms. Judy Brown
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

RE: Draft EIR comments for the Concord to Sacramento Petroleum
Products Pipeline, Segment 3-Cordelia

Dear Ms. Brown,

The Suisun Resource Conservation District (SRCD) has reviewed the Draft Environmental Impact Report for the Concord to Sacramento Petroleum Products Pipeline and this letter contains comments with regards to Segment 3 (Cordelia) portion of the proposed pipeline.

SRCD is generally in support of the new proposed route for the pipeline in that it would transverse through less Suisun Marsh wetland areas than the old pipeline route. However, the proposed pipeline route would go through a small portion of the Suisun marshland and the property owners in this area have expressed some site-specific concerns. On July 16, 2003 SRCD met with the project applicant, Santa Fe Pacific Partners (SFPP), to discuss the landowner's concerns. Although SFPP was very cooperative in addressing the landowner's concerns, SRCD is submitting the landowner comments so that they can be entered into public record. The Suisun Marsh landowner comments are listed below:

- Large scale specific map of the proposed pipeline route within the landowner's property boundaries should be provided
- If the pipeline is to be laid in wetland areas where discing or heavy equipment operation for wetland maintenance could occur, pipeline depth should be increased from the minimum of 3.0 feet deep to 4.0 feet deep.
- The crossing under Cordelia Slough should be deep enough to allow for any future dredging of this waterway, plus five feet.
- The condition of roadways within the pipeline route should be maintained at a level equal to or greater than the existing conditions
- Construction within the Suisun marshland (Primary Management Area) should occur between July 1st and October 1st in order to reduce disturbance to nesting waterfowl and shorebirds and to avoid complications due to high water tables during periods of wetland flooding. This would also minimize the potential for erosion and sedimentation during the wet season

19-1

19-2

19-3

19-4

19-5

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President
Terry Connolly
Arnold Lenk
Gregory Palamountain
Tony Vaccarella

Associate Directors

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Comment Set 19, cont.

The SRCD appreciates the efforts of SFPP to consider the Suisun Marsh landowners concerns, and looks forward to working with them to resolve these concerns in the event of Final EIR approval.

If you have any questions or comments with regards to SRCD's position on this proposed project, please call me at (707) 425-9302.

Sincerely,



Steven Chappell
Executive Director

Responses to Comment Set 19

- 19-1 The highest level of detail regarding the location of the pipeline and the properties affected is shown in the Draft EIR, Appendix 1E, Jurisdictional Delineation Maps. The scale of these maps is approximately one inch per 400 feet.
- 19-2 Text has been added to Mitigation Measure LU-2b (Compensation to Land Owners) in this Final EIR to clarify that during the process of securing the project ROW, SFPP would consult with property owners to identify the necessary route and depth (see Section 4, changes to page D.9-19). SFPP has provided preliminary indication that four feet of cover would be provided for land owners in the District's area.
- 19-3 Use of a horizontal directional drill crossing for Cordelia Slough, as shown in Table D.8-4 of the Draft EIR page D.8-6, would sufficiently submerge the pipeline so that the Proposed Project would not conflict with future dredging of this waterway.
- 19-4 The Draft EIR on page D.12-14 includes a discussion of Impact T-6: Degradation of Road Conditions, including Mitigation Measure T-6a (Restoration of Roads), which requires that roadways affected by pipeline construction be restored to pre-construction conditions or better.
- 19-5 The discussion of Impact HS-1: Discharge of Fine Sediments into Streamflow During Construction (Draft EIR, page D.8-12) shows that construction plans for water crossings would require approval from the CSLC in conjunction with the California Department of Fish and Game, and that work would need to be accomplished only during the period of stream low flow. The comments submitted by the California Department of Fish and Game (comment 35-14) show that SFPP would be required to schedule construction activities within the Suisun Marsh so that they adhere to the October through April closure. This Final EIR includes revisions to Mitigation Measure HS-1a (Construction Plans to Define Water Crossings) to clarify that requirement (see Section 4, changes to page D.8-12).

Comment Set 20

Dixon Resource Conservation District

1170 N. Lincoln, Suite 110, Dixon, CA 95620-Phone (707) 678-1655

July 24, 2003

California State Lands Commission
Attn: Judy Brown
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

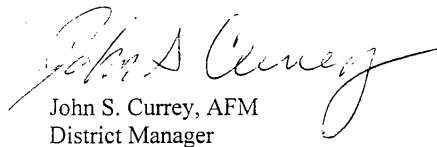
RE: Concord to Sacramento Petroleum Products Pipeline

Dear Mrs. Brown

The Dixon Resource Conservation District owns and operates a 70-mile drainage system of which portions are located between miles 44.8 and 45.3 and mile 54.00. These drainage facilities have been identified in the EIR but the District has not been listed Table A-1 Permits Required, Local or Regional Agencies. The Dixon RCD uses an encroachment permit for crossing of its right of ways or ditches.

The District requests that the District be included in Table A-1. Thank you for providing the opportunity to comment on the Draft EIR.

Sincerely,


John S. Currey, AFM
District Manager

20-1

Responses to Comment Set 20

- 20-1 Table A-1 (Permits Required) of this Final EIR has been revised to show that an encroachment permit would be required by the Dixon Resource Conservation District for crossing its drainage system (see Section 4, changes to page A-1).

Comment Set 21



Fairfield-Suisun Sewer District

Richard F. Luthy, Jr.
General Manager/District Engineer

July 24, 2003

RW-999.110/03

Judy Brown
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Subject: Concord to Sacramento Petroleum Products Pipeline (CSPPP) Project
Comments on the Draft EIR (DEIR)

Dear Ms Brown:

The DEIR for the subject project is inadequate for failure to identify and mitigate to less than significant levels a significant environmental effect on water quality. The Concord to Sacramento Petroleum Products Pipeline Project has the potential to cause wastewater conveyance and treatment service interruptions that would lead to significant impacts to water quality (i.e., raw sewage overflows into streams or marsh). This is a potentially significant environmental impact that must be mitigated.

21-1

The Fairfield-Suisun Sewer District (District) provides wastewater conveyance and treatment within the Cities of Fairfield and Suisun City and in some locations within Solano County. The District has several gravity sewer lines and sewage forcemains along the proposed project alignment within Fairfield and Suisun City. The District's facilities were not considered in the DEIR, Section D.11, "Utilities and Service Systems".

The District's "Collection System Master Plan, March 2002", identifies several future sewer lines to provide capacity for planned development in the District's service area. The Master Plan identifies preliminary alignments for these sewer lines. Some of these planned future sewer lines follow the same alignment as the proposed petroleum pipeline. The DEIR identifies the need to consider impacts to future development but does not adequately address potential impacts to planned wastewater facilities. The subject project has the potential to interfere with the District's ability to provide wastewater service and water quality protection for future planned development. This is a significant environmental impact that must be mitigated.

21-2

Address:
1040 Chacabourne Rd.
Fairfield, CA 94504-4111
Telephone:
707-424-4001
Fax: 707-424-4001

Comment Set 21, cont.

July 25, 2003
CSPPP Project, DEIR Comments
Page 2

Recommended Mitigation Measures:

1. Preparation of the detailed drawings for the subject project must be coordinated with the Fairfield-Suisun Sewer District to ensure protection and accommodation of existing and planned future District facilities.
2. The project proponent must be required to enter into an agreement with the Fairfield-Suisun Sewer District to address areas where the project may encroach on existing District facilities or interfere with planned future District facilities.

Where applicable, the mitigation measures identified above will be included in or will be a condition of issuance of the City of Fairfield Encroachment permit for the subject project.

Please contact me at (707) 429-8930 regarding all future communications on the subject project.

Sincerely,



Marcie Bodeaux, P. E.
Senior Environmental Engineer

/jw

cc: Gene Cortright, City of Fairfield Public Works
Mark Cornelius, District Counsel

21-3

Responses to Comment Set 21

- 21-1 Table D.11-1 has been revised in this Final EIR (see Section 4, changes to Section D.11, page D.11-2) to show that construction work for the project would occur near Fairfield-Suisun Sewer District facilities. As required by Mitigation Measure US-1a (Protection of Underground Utilities) of the Draft EIR page D.11-8, detailed design of the pipeline would be coordinated with the affected public works agencies, including the Fairfield-Suisun Sewer District.
- 21-2 By coordinating with the District, as required by Mitigation Measure US-1a (Protection of Underground Utilities) of the Draft EIR page D.11-8, the potential for the project alignment to interfere with District plans would be minimized.
- 21-3 Table A-1 (Permits Required) has been revised in this Final EIR to show that approval from the Fairfield-Suisun Sewer District would be required if the Proposed Project would encroach on District facilities. The role of the City of Fairfield to consider this issue during its permit review is also noted in Table A-1 (see Section 4, changes to page A-1).

Comment Set 22

CITY MANAGER'S OFFICE

23 Russell Boulevard – Davis, California 95616
530/757-5602 – FAX: 530/757-5603 – TDD: 530/757-5666



July 24, 2003

California State Lands Commission
Attn: Judy Brown
100 Howe Avenue, Suite 100
Sacramento, CA 95825

**Subject: City of Davis comments on the proposed Concord to Sacramento
Petroleum Products Pipeline Draft EIR; CSLC EIR 711**

Dear Ms. Brown:

The City of Davis appreciates the opportunity to provide comments on the above referenced project. In general the City supports the location of the proposed pipeline and the decommissioning of the existing pipeline that runs through the center of this (and other) communities. The City believes that re-locating this type of high-pressure petroleum products pipeline out of populated areas reduces risk to the public and is sound public policy. Despite general support of the proposed project, the City does have several comments related to the project and the DEIR, which are outlined below.

- Public safety considerations. The City believes that the proposed project improves overall public safety compared to existing conditions. This conclusion holds only if the existing pipeline is decommissioned and no longer used to transport petroleum products or other volatile substances. If the existing pipeline is returned to its current use transporting petroleum products in the future, the City's conclusion would reverse on this issue.

To ensure gains in public safety that result from the proposed project are not lost in the future, the City requests that an additional mitigation measure be added that requires a binding agreement to ensure that the existing pipeline is not returned to its current use. In addition, the City seeks clarification regarding the return of the existing pipeline to its current use in the future: will the CSLC or other lead agency require a CEQA review that includes opportunity for public comment? Please also see the attached comments of the City of Davis Fire Chief regarding this issue.

22-1

CITY OF DAVIS

Comment Set 22, cont.

*City of Davis Comment Letter
Proposed Concord to Sacramento Petroleum Products Pipeline Draft EIR; CSLC EIR 711
July 24, 2003
Page 2*

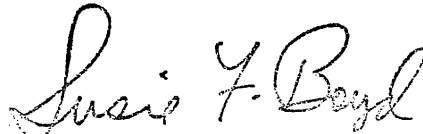
- Putah Creek crossing. A seasonal crossing that provides cross-creek access for farm operations is located within the proposed pipeline corridor. The City has had informal discussions with adjacent property owners and creek stewardship groups about possible future modification of this crossing to improve aquatic habitat conditions and cross-creek access. Plans for these crossing improvements are conceptual only, but the City believes that noting these discussions for the record is important so that future creek crossing options are not precluded by the location of the proposed pipeline.
- DEIR biological analysis. The DEIR should provide a more comprehensive evaluation of biological resources in the proposed pipeline corridor area. Given its crossing of several protected locally and regionally significant wildlife areas (e.g. Vic Fazio Yolo Wildlife Area) a more focused biological resources survey is warranted for all segments of the pipeline. The mitigation measures contained in the document do not provide standards for determining successful mitigation of impacts to biological resources or remedial action if mitigation measures do not achieve anticipated results. The DEIR should include a clear process for evaluating the effects of mitigation and offer clear remedies in the event mitigation measures are not effective.

22-2

22-3

The City appreciates the willingness of the project applicant to discuss the City's concerns. We are hopeful that the City's comments can be addressed and the gains in public safety can be made permanent. Thank you again for the opportunity to comment.

Sincerely,



Susie Boyd, Mayor
City of Davis

encl.

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Comment Set 22, cont.

Item Number: No
Meeting Date:

Staff Report

July 14, 2003

TO: Jim Antonen, City Manager

FROM: Rose Conroy, Fire Chief

SUBJECT: Comments on the Draft EIR regarding Concord to Sacramento Petroleum Products Pipeline Project

Recommendation

1. Approve Davis Fire Department comments on draft EIR regarding Concord to Sacramento Petroleum Products Pipeline Project.
2. Approve Davis Fire Department submitting comments on draft EIR to California State Lands Commission.

Fiscal Impact

None known.

Background and Analysis

The California State Lands Commission has completed a draft environmental Impact Report for the Concord to Sacramento Petroleum Products Pipeline. The proposal is to construct and operate a new 20 inch petroleum product pipeline extending from the existing Santa Fe Pacific Partners (SFPP) Concord Station in Contra Costa County to the existing SFPP Sacramento station in the city of West Sacramento. The pipeline would extend approximately 70 miles and would carry gasoline, diesel fuel, and jet fuel. The purpose of the new pipeline is to meet projected demand for petroleum products in Sacramento, Roseville, Chico and Reno areas by replacing SFPP's existing 36 year old, 14 inch pipeline between Concord and Sacramento. The existing pipeline is approximately 60 miles long and is located primarily within Union Pacific Railroad (UPRR) right-of-way. SFPP intends to discontinue use of most of its existing 14 inch petroleum products pipeline between Concord and Sacramento when the new pipeline becomes operational. My comments to be submitted to CSLC are the following: The Davis Fire Chief is supportive of this project as it will move the pipeline out of the City of Davis to a less populated area. Secondly, I request firmer wording ensuring that the existing pipeline running through the City of Davis be decommissioned for the use of flammable and combustible liquids.

Mitch Sears is providing the executive summary of the EIR and a map of existing pipeline and the proposed pipeline in his staff report to council so I did not duplicate the material for this staff report.

22-4

Responses to Comment Set 22

22-1 The Project Description in Sections B.1 and B.3.4 of the Draft EIR (pages B-1 and B-22) indicates that the removing the pipeline from service will become a condition of the CSLC lease for the Proposed Project. This means that reuse of the existing pipeline would be subject to reauthorization by the CSLC and would require a new CEQA analysis. SFPP has provided a written commitment to the City of Davis that the pipeline will not be used for petroleum products in the future. The CSLC, however, recognizes that it does not have sole jurisdiction over all portions of the pipeline. Following is the California State Fire Marshal's (CSFM) definition of pipeline service categories (from the CSFM website):

- **OUT-OF-SERVICE PIPELINE** means a pipeline or pipeline segment which has been effectively cleaned of all hazardous liquids, filled with water or inert gas and blinded or otherwise isolated from an active pipeline system. After the process has been verified and accepted in writing by CSFM, each of these pipelines must comply with minimum federal maintenance and inspection requirements (e.g., cathodic protection, right-of-way patrols, USA notification, etc.) Approval of this reclassification plan by CSFM does not affect or negate any permit or approval requirement this classification of pipeline. However, CSFM is required to maintain basic data on out-of-service pipelines. Therefore, these pipelines must be reported on the annual Operator Questionnaire. Before a pipeline can be reclassified from ACTIVE to OUT-OF-SERVICE, the operator must submit to the State Fire Marshal and the State Fire Marshal must approve a written plan describing the process to be used and the future maintenance and inspections to be performed.
- **ABANDONED PIPELINE** means a pipeline or pipeline segment which has met the criteria of an OUT-OF-SERVICE pipeline (purged, sealed and disconnected from an operating system) but will NOT be maintained to minimum USDOT inspection and maintenance standards. An abandoned pipeline cannot be returned to hazardous liquid service. Before a pipeline can be reclassified from ACTIVE or OUT-OF-SERVICE to ABANDONED, the operator must submit to the State Fire Marshal and the State Fire Marshal must approve a written plan describing the process to be used. After approval from CSFM is granted in writing, this category of pipeline becomes non-jurisdictional to the State Fire Marshal and USDOT and State pipeline safety requirements (e.g., Part 195, etc) no longer apply. Approval of the reclassification plan by CSFM does not affect or negate any permit or approval requirement of any other agency. CSFM fees are NOT applicable for ABANDONED pipelines. In addition, ABANDONED pipelines do not have to be reported to CSFM on the annual Operator Questionnaire. However, CSFM will maintain the data on these pipelines collected during the time the pipelines were CLASSIFIED as active or OUT-OF-SERVICE.
- **RETURN TO SERVICE:** Before a pipeline can reclassified from OUT-OF-SERVICE to ACTIVE, the operator must submit to the State Fire Marshal and the State Fire Marshal must approve a written plan describing the process to be used. An inspection of the pipeline and pipeline records will be conducted by CSFM to determine compliance with State and Federal requirements. **NO PIPELINE MAY BE OPERATED AS AN ACTIVE PIPELINE UNLESS IT HAS BEEN APPROVED BY CSFM.** Pipelines that have been returned to ACTIVE status must be reported as ACTIVE on the annual Operator Questionnaire and annual fees are applicable.

Mitigation Measure S-3a (Pipeline Abandonment Procedures) of the Draft EIR has been modified in this Final EIR to clarify that removal from service, similar to pipeline abandonment, must occur according to a Reclassification Plan that would be submitted to the CSFM and the CSLC at least 120 days before operation of the new pipeline. The revision is shown in Section 4, under changes to Section D.2 for page D.2-51.

22-2 Comment noted. Crossing the Putah Creek and the potential conflict with potential future modifications of the creek crossing is discussed in Response to Comment 4-1. Use of a horizontal directional drill crossing, as shown in Table D.8-6 of the Draft EIR page D.8-8, would ensure that future creek crossing options would not be precluded by the Proposed Project.

22-3 The Draft EIR identified impacts to biological resources based on detailed route surveys completed by SFPP's consultant. This information was verified by the EIR team, but is not reproduced in its entirety in the EIR. Additional information on biological resources is included in Draft EIR Appendices 1A through 1E. A wide range of mitigation measures was developed to minimize impacts on biological resources; these measures result from identification of construction impacts and potential effects that could result from a pipeline accident. Mitigation Measure BW-2b (Employ Biological Monitors) in the Draft EIR, page D.4-52, recommends use of CSLC-approved on-site Environmental Monitors that would be qualified to ensure that the full range of recommended measures are implemented successfully.

Section F of the Draft EIR (with revisions presented in Section 4 of this Final EIR) presents the Mitigation Monitoring Program (MMP) for the project. For each mitigation measure the following factors are defined: location in which the impact occurs, monitoring/reporting action to be taken by the monitor, effectiveness criteria, responsible agency, and timing that the action would occur. The evaluation of the effects of mitigation and alternative solutions for ineffective mitigation are addressed in the implementation of the MMP, e.g., see State CEQA *Guidelines* Section 15097(e)(6).

22-4 See Response to Comment 22-1.

Comment Set 23

FIRE DEPARTMENT HEADQUARTERS
530 Fifth Street – Davis, California 95616
530/757-5684 – FAX: 530/757-5685 – TDD: 530/757-5666



July 25, 2003

Judy Brown
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202
SCH #2002022010

Dear Ms. Brown,

My name is Rose Conroy and I am the Fire Chief for the City of Davis Fire Department. Here are my comments regarding the project titled Concord to Sacramento Petroleum Products Pipeline; location: Concord, California to West Sacramento, California (approximately 70 miles):

I am supportive of this project as it will move the pipeline out of the City of Davis to a less populated area. However, I request firmer wording ensuring that the existing pipeline running through the City of Davis be decommissioned for the use of flammable and combustible liquids.

23-1

Please call me with any questions or comments.

Sincerely,

Rose Conroy
Fire Chief

CITY OF DAVIS

Responses to Comment Set 23

23-1 See Response to Comment 22-1.